

HB745
Judiciary - Family Law - Protective Orders - Crimes of Violence and Stalking
Testimony in SUPPORT
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Chair Clippinger, Vice-Chair Bartlett, and members of the House Judiciary Committee, thank you for the opportunity to provide testimony in support of House Bill 745, which we hope will expand protections available to victims of stalking. I am providing this testimony in my capacity as Executive Director for Just Stalking: Maryland Resources, as well as being a victim of stalking for over 15 years.

When I was 16 I met the person who would become my stalker for approximately *half* of my life, at an esteemed internship – for almost three years I attempted multiple response tactics, to manage their ‘pursuits’ and ‘intrusions’ before I recognized I needed to ‘move outward,’ *and* take legal action. *No one* told me what to do. Per our *limited* understanding of the legal systems, my family decided my best option was to obtain a “stay-away order.”

Stalking is often left under the domain of domestic violence, and intimate partner violence despite the documented literature that it is *as* prevalent within other environments such as, employment. According to a meta-analysis, **one in six** professionals have experienced stalking, as in **my** case (Jutasi & McEwan, 2021). Researchers found **no evidence** any *particular* profession is at higher risk; a **range** of professions may be at increased jeopardy of different motivations of stalking-victimization.

Victims are **not** a monolith, stalkers’ typologies and motivations *must* be taken into consideration. Without this, we leave victims at a disadvantage in understanding issues such as persistence and recurrence which have particular importance for **protective orders**. *If* prosecuted, Maryland’s maximum sentence for stalking is *only* 5 years, and the conviction rate in the United States *only* approximately 6% (Brady & Nobles, 2017). Most stalkers will be released from prison.

Among acquaintance stalkers, including the professional typology, duration of stalking behavior has been found to be **longer** than other groups; **42% persisted longer than one year**. Due to my **15 years of stalking experience**, I started a nonprofit to serve victims, Just Stalking: Maryland Resources. Sadly, this seems to have left me vulnerable to another motivational typology referred to as ‘resentful.’ Research shows resentful stalkers present with a recurrent pattern.

Unfortunately, many studies *only* analyze **recidivism**, estimating **50%**, a legal term, with no standardized operational definition, as opposed to **recurrence**, estimated at **38%**. This on the other hand is a **biopsychosocial** term.

I didn’t initially recognize I was **not** eligible for a protective order, which would have ‘**protected**’ me for a **minimum of one year** because this person was a **professional contact**. I was only

eligible for a **peace order**. Therefore, I would be back, in the courtroom, **repeatedly**. I recall the *terror*, standing before the judge. The *anxiety*. They treated this order as if it was, what it was a 'paper-shield,' and the hearing, just another opportunity to see me, be near me, breathe my 'air.'

This committee may not understand the extent to which the responsibility is placed on the **victim(s)** to *serve* the **order(s)**. During one attempted service I was forced to use myself as **bait**. With the police's '*blessing*' I arranged a faux "date," luring my stalker to meet me at a local station. While this tactic worked, in hindsight the lack of threat assessment(s) and adequate consultation leaves me concerned for **victims' safety** throughout our state.

This creates an extortionary trauma for the victim(s); who are responsible for **identifying the course conduct**, conceptualizing stalking as a **construct**, differentiating '**myths**', and **stalking from harassment**. *Then*, realizing the behavior has passed the '**two-week stalking threshold**' **therefore is unlikely to cease**, *thus*, **persisting for an average of one year** (Purcell, et al., 2004). *Additionally*, identifying possible **escalating behaviors** specifically, **contacts & approaches**. *Furthermore*, there is the requisite request to cease contact, which is not a legal requirement, *but is* a societal expectation.

There is a *myth* that stalking *always* involves violence, direct, or at least implied threats, but these are specific to typologies, motivations, and other factors. **This** inhibits many victims from initially seeking formal or informal resources, thereby creating additional barriers, such as requiring **recurrent traumatization**, as victims seek **continual support** by not only requesting services, but having to face their stalker, *repeatedly*, **every six months**, at the behest of the court. This is arguably cruel for the victim. The court then becomes an *unintentional* 'proxy,' *complicit* in the stalking behavior.

Most recently, after being released from prison, on charges *related* to their alleged stalking behavior, but not a stalking conviction *specifically*, they came **directly to my home**, *as* I was not given information about our State's **Address Confidentiality Program**.

I was in **shock**, I was given **no warning**, through any of the systems I was under the impression were designed and **in place** to have informed me of their impending release, and imminent arrival. I could not wrap mind around the idea, at such a late hour, I did not have an active peace order in place, *but it had* been **more than six months**.

After **10 years** of **persistent-professional-intimacy-seeking-stalking**, it became not *only my responsibility* to obtain an updated **peace order**, but also necessary to involve an associate from another state to serve it. Despite *continued surveillance* of my home for over a month, and residence in a neighboring county, police in my county seemed unable to coordinate this effort.

Law enforcement show unwavering support, nonetheless there appears to be **systemic barriers preventing** adequate communication for **delivery and enforcement of peace orders**. Additionally, there is the *perception* that these orders are a low priority, because they are deemed '*civil*' rather than '*criminal*,' often pertaining to **domestic matters**. *However*, those of us who do not fit into those categories are not offered 'protective' status, but rather '*peace*' **status**, therefore giving **even less attention**.

I ask for a favorable report from this committee on HB745 due to the research I have referenced citing persistent stalking specifically which has found stalkers can maintain their behavior for at least 40, even more than 80 years (McEwan, et. Al., 2017).

Recurrent stalkers have been found to resume stalking behaviors after six months of voluntary cessation (McEwan, et al., 2017). Research findings report 20 years of recurrence, the cap of the studies, but I have personally worked with victims who have reported stalkers recurring more than 30 years after cessation.

Acquaintance stalkers, the overarching term for the typology I am managing may never cease of their own volition. Therefore, I expect my stalker will continue this pattern well into my senior years.

I ask for a favorable report, on HB745, to help victims lessen the burden as this is already an arduous issue for victims, we as victims require a pathway to permanent orders, as six months according to literature is *only* the requisite time to identify whether stalking has ceased.

References

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